



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,303	03/14/2001	Yoshihito Ishibashi	09792909-4859	3750

26263 7590 03/21/2007
SONNENSCHN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER

THEIN, MARIA TERESA T

ART UNIT	PAPER NUMBER
----------	--------------

3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/808,303

Applicant(s)

ISHIBASHI, YOSHIHITO

Examiner

Thein Marissa

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 80-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 80-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's "Response to September 20, 2006 Office Action" filed on December 19, 2006 has been considered.

New claims 80-83 have been added. Claims 1-18 and 80-83 remain pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 and 80-83 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,892,900 to Ginter.

Regarding claims 1, Ginter discloses a content secondary distribution management system comprising: a plurality of user devices for managing secondary distribution in which a transaction of content usable by a user device is performed between the plurality of user devices (see at least Figure 77; col. 280, lines 59-65; col. 261, lines 10-48), wherein a first settlement log is issued from a first of the plurality of

Art Unit: 3627

user devices to one of a service provider and a clearing center every time the content is distributed by the first user device (see at least col. 261, lines 10-34; col. 263, lines 5-10; col. 168, lines 26-27; col. 281, line 10- col. 282, line 5) and a second settlement log is issued from a second of the plurality of user devices to said one of a service provider and a clearing center every time the content is distributed by the second user device (see at least col. 261, lines 10-34; col. 263, lines 5-10; col. 168, lines 26-27; col. 327, lines 30-39; col. 281, line 10- col. 282, line 5), and a settlement processing for the content is performed based on the first settlement log and the second settlement log under the management of said one of a service provider and a clearing center (see at least Figure 77; col. 281, line 10- col. 282, line 5).

Regarding claim 2, Ginter discloses a content receiving user (end user) device for receiving the content deducts a content usage fee from an electronic money balance up to an allowable amount of money set in an issue log based on information of usage control policy of the content, the content receiving user device creates a usage log; the content providing user device creates a receive log and sends the receive log to the service provider and a clearing center; and the service provider and the clearing center performs the settlement processing for the electronic money for the use of the content based on the receive log, and requests and account management institution to perform transfer processing for the content usage fee; and the account management institution performs the transfer processing (see at least Figure 25A; col. 42, line 59 – col. 43, line 20; col. 281, lines 33-44).

Regarding claims 3-8 and 10-16, Ginter discloses:

- the content to be distributed between the user devices is contained in a secure container which stores a content price and information of a usage control policy including profit distribution information (see at least col. 59, lines 36-61; col. 279, lines 13-20; col. 279, lines 42-49; col. 292, lines 15-27), and wherein the service provider and a clearing center constructs a form of the transfer processing according to a log containing a content fee payer and a content fee receiver based on the profit distribution information (see at least col. 59, lines 36-61; col. 279, lines 21-31; col. 279, lines 42-49; col. 292, lines 15-27);
- the usage control policy information includes indicating whether the secondary distribution of the content between the user devices is allowed, and wherein upon receiving the receive log created for a content in which the secondary distribution is not allowed, the service provider and the clearing center nullifies settlement processing to be performed for the receive log (see at least col. 279, lines 21-31; col. 281, lines 23-41);
- each user devices for performing the transaction of the content comprises an encryption processing unit, mutual authentication processing, and the user devices attach a digital signature and verify the digital signature (see at least col. 21, line 60 – col. 22, line 25; col. 257, lines 33-36);
- the user devices, service provider, and clearing center comprises an encryption processing unit, mutual authentication processing, attach a digital signature and verify the digital signature (see at least col. 21, line 60 – col. 22, line 25; col. 257, lines 33-36);

Art Unit: 3627

- the clearing center comprises a user balance database for managing an electronic money balance of the content and creates an issue log in which an allowable amount of money is set up to electronic money balance (see at least col. 36, lines 10-43; col. 40, lines 3-61; col. 280, lines 22-26); and
- usage control policy information includes profit distribution information of the content usage fee, and where usage log and receive log include the profit distribution information, the service provider and clearing center performs the settlement processing for the content usage fee based on profit distribution information also sends the transfer request to the account management institution (see at least col. 36, lines 10-43; col. 40, lines 3-61).

Regarding claims 9 and 17, Ginter discloses a method and a computer-readable medium having stored therein computer-executable instructions for managing secondary distribution in which a transaction of content usable a user device is performed between a plurality for user devices (see at least Figure 77; col. 280, lines 59-65; col. 261, lines 10-48), comprising: issuing a settlement log for the use of the content from a content providing user device to a service provider and a clearing center every time an identical content is distributed (see at least col. 261, lines 10-34; col. 263, lines 5-10; col. 168, lines 26-27; col. 281, line 10- col. 282, line 5); and performing settlement processing for the identical content based on the settlement log under the management of the service provider and a clearing center (see at least Figure 77; col. 281, line 10- col. 282, line 5).

Regarding claim 18, Ginter discloses a computer-readable medium having stored therein computer-executable instructions which allows content secondary distribution management processing for managing secondary distribution in which a transaction to content usable by a user device is performed between a plurality of user devices to run on a computer (see at least Figure 77; col. 280, lines 59-65; col. 261, lines 10-48); issuing a settlement log (see at least col. 261, lines 10-34; col. 263, lines 5-10; col. 168, lines 26-27; col. 281, line 10- col. 282, line 5); and performing settlement processing for the identical content based on the settlement log (see at least Figure 77; col. 281, line 10- col. 282, line 5).

Regarding claims 80-81, Ginter discloses a content secondary distribution management system wherein the second settlement log is issued from the second user device via the first user device (col. 67, lines 38-43; col. 137, lines 57-col. 138, line 42; col. 140, lines 50-61).

Response to Arguments

Applicant's arguments filed December 19, 2006 have been fully considered but they are not persuasive.

Applicant's remark that "Ginter does not disclose or suggest issuing settlement logs from user devices to one of a service provider and a clearing center every time the content is distributed by the user device".

The Examiner does not agree. Ginter discloses a computer-based and other electronic-appliance based technologies that help ensure that information is accessed and/or otherwise used only in authorized ways, maintains the integrity, availability,

Art Unit: 3627

and/or confidentiality of such information (col. 1, lines 12-15). Ginter further discloses the secure chains of handling and control for both information content and information employed to regulate the use of such content (col. 1, lines 21-23). Ginter employs a video distribution environment (VDE) as a general purpose electronic transaction/distribution control system which allows users to maintain a single transaction management control arrangement on each of their computers, networks and other electronic appliances. VDE allows content creators to use the same VDE foundation control arrangement for both content and for licensing content from other content creators for inclusion into their products. Clearing houses, distributors, content creators and other VDE users can all interact, both with the applications running on their VDE installations, and with each other in an entirely consistent manner, using, and reusing the same distributed tools, mechanism, consistent user interfaces, regardless of the type of VDE activity. (Col. 11, lines 36-57) The VDE employs secure metering means for budgeting and auditing electronic content and appliance usage; secure flexible means for enabling compensation and billing rates for content and appliance usage including electronic credit and currency mechanism for payments means; secure distributed database means for storage control and usage related information; secure appliance control means; a distributed, secure "virtual black box" comprised of nodes located at every user (include VDE content container creators, other content providers, client users, and recipients of secure VDE content usage information) site. The nodes of the virtual black box includes secure system, which is distributed at nodes along pathway of information storage, distribution, payment, usage, and auditing; encryption

Art Unit: 3627

and decryption means; secure communication means employing authentication, digital signaturing, and encrypted transmission; and secure control means that can allow each VDE installation to perform VDE content authoring, content distribution, and content usage, as well as clearing house and other administrative and analysis activities employing content usage information (col. 12, lines 3-44). Furthermore, Ginter discloses an aggregate method that represents a collection of methods that is treated as a single unit (col. 143, lines 3-5). An aggregate method may include metering, billing and budget processing which can be a single load module that performs all the functions (col. 143, lines 15-21).

Such video distribution environment (VDE) as a general purpose electronic transaction/distribution control system which allows users to maintain a single transaction management control arrangement; Clearing houses, distributors, content creators and other VDE users can all interact, both with the applications running on their VDE installations, and with each other in an entirely consistent manner, using, and reusing the same distributed tools, mechanism, consistent user interfaces, regardless of the type of VDE activity; secure metering means for budgeting and auditing electronic content and appliance usage; secure flexible means for enabling compensation and billing rates for content and appliance usage including electronic credit and currency mechanism for payments means; secure appliance control means; a distributed, secure "virtual black box" comprised of nodes located at every user (include VDE content container creators, other content providers, client users, and recipients of secure VDE content usage information) site, the nodes of the virtual black box includes secure

Art Unit: 3627

system, which is distributed at nodes along pathway of information storage, distribution, payment, usage, and auditing; secure control means that can allow each VDE installation to perform VDE content authoring, content distribution, and content usage, as well as clearing house and other administrative and analysis activities employing content usage information; and an aggregate method that represents a collection of methods such as billing, budgeting, and metering that is treated as a single unit are considered the "issuing settlement logs from user devices to one of a service provider and a clearing center every time the content is distributed by the user device".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3627

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thein Marissa whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mtot
March 19, 2007

SUPERVISOR



**F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER**